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STATEMENT OF REPRESENTATIVE EDWARD J. MARKEY (D-MA)
IN OPPOSITION TO H.R. 4280
MAY 12, 2003

Mr. Speaker, this bill claims to be a cure for the high cost of insurance premiums paid by doctors. But it's really just what the insurance companies ordered.

It's a public policy placebo that doesn't relieve the sting doctors are feeling from sky-high insurance premiums. It only offers the illusion of relief, while pumping cash into the bottom line of the insurance companies.

Capping damages may save insurance companies money when their policyholders are sued, but the bill doesn't require insurers to pass along one cent of savings to doctors in the form of lower medical liability premiums.

Last year, when H.R. 5, the so-called "HEALTH" Act, was considered in the Energy and Commerce Committee, I offered an amendment to ensure that any savings from the bill's caps on damages for patient pain and suffering would be passed along to doctors in the form of reductions in their liability insurance premiums. This would directly protect innocent doctors from the impact of rising insurance rates brought about by negligence, while increasing the likelihood that consumers would see some benefit from caps. The Republican side defeated my amendment.

I asked the Rules Committee to make my amendment in order so that we could have a full and open debate on it during Floor consideration, but the Republicans refused to make my amendment in order.

This year, the Republican Majority went one step further – not only did Republicans refuse to make my amendment in order, they completely bypassed the Committee process altogether, ramming this bill right to the House Floor without any hearings and without any opportunity to amend it in Committee.

The amendment I offered last year in Committee established the “missing link” in this bill between liability caps and lower premiums for physicians. It would have balanced the competing interests in a way that would allow some progress on this issue. But balance does not seem to be what the Republican leadership is looking for. Instead, they bring forward a bill that no one can amend at all and which blames rising premiums on the victims of medical errors by capping their damages for pain and suffering, while completely ignoring the effect that insurers’ own bad business decisions have on the high cost of premiums.

Such a slanted, one-dimensional view of the problem is bad for doctors and bad for patients. Without any guarantee that savings from the bill’s cap on damages will go to doctors – not the insurance industry - this bill deserves to be defeated. Someday, we will see a majority in this Congress that is willing to go to bat for consumers and doctors alike to reduce the soaring cost of providing good medicine, instead of handing out “discount cards” that are becoming a license to raise prices across the board. Sadly, that day has not yet arrived.

I urge my colleagues to reject this harmful bill. Put the interests of physicians and patients above insurance company profiteering. Vote “No” on H.R. 4280.

I yield back.